

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held on March 14, 2002

Attendees: Chairman Elia Germani, Commissioner Kate Racine, Commissioner Brenda Gaynor, Steve Frias, Cindy Wilson, Thomas Massaro, Alan Nault, Doug Hartley and Luly Massaro.

Chairman Germani called the open meeting to order at 10:00 AM in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Minutes of March 5, 2002: Chairman Germani asked for a motion and Commissioner Racine moved to approve the minutes. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

Competitive Telecommunications Service Providers

The following telecommunications providers submitted tariff revisions. The Division has reviewed the tariff filings and does not recommend suspension of:

3196 - Z-Tel Communications, Inc.
3036 - CTC Communications Inc.
2618 - AT&T Communications of NE. Inc
2535 - Cox RI Telecom, LLC
2472 - Sprint Communications
2262(P2) - NOSVA Limited Partnership
2262(O2) - NOS Communications, Inc.
2262(Q2) - Affinity Network Inc.
2262(A6) - Southwestern Bell Communications Services, Inc.
2262(C8) - CTC Communications, Inc.
2262(H11) - Cable & Wireless USA, Inc.
2262(C7) - Electric Lightwave, Inc.
2262(C3) - Excel Telecommunications, Inc.

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

3256 – Verizon RI: This docket relates to the Commission's review of Verizon's Performance Assurance Plan. After review of Verizon's compliance filing of December 6, 2001, Chairman Germani asked for a motion and Commissioner Racine moved to approve the compliance filing. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

2802 – Island Hi-Speed Ferry LLC (IHSF): This docket relates to IHSF's compliance with Commission Order to submit operational and financial data for the year 2001. IHSF filed its compliance filing with a request that the report be kept confidential. Intervenor Interstate Navigation Co. (Interstate) filed an access to public records act request and an objection to the confidential treatment of IHSF's filing. The Commission heard oral arguments of the parties on February 27, 2002. After review and discussion of the several pleadings submitted, Commissioner Racine moved as follows:

- To deny Interstate's Access to Public Records Act Request and Objection to Island Hi-Speed Ferry's Request for a Protective Order.
- To grant IHSF's Request for a Protective Order to treat as confidential and proprietary IHSF's compliance filing of January 15, 2002 and all responses to data requests, with the exception of the data contained in IHSF's response to Request Nos. 1 and 2, because disclosure to Interstate could cause substantial harm to the competitive position of IHSF.

The motion was seconded by Chairman Germani and unanimously passed. **Vote 3-0.**

3342 – Narragansett Electric Co.: In this docket, the Commission considered a Settlement entered between Narragansett and Tiverton Power Associates regarding station service charges. The Settlement provides for a credit to Tiverton for past station service deliveries, and for Tiverton to take service under the recently approved M-1 Rate as of September 1, 2001. The Division has reviewed the Settlement and recommended approval. After review, Chairman Germani asked for a motion and Commissioner Racine moved to approve the settlement. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

3378 – Pawtucket Water Supply Board: After review and discussion of the record, Commissioner Racine moved to approve the following:

- 1) Accept the Settlement Agreement that was entered into among the PWSB, Division and City of Central Falls and continue to restrict the following accounts: Debt Service, IFR, Capital Lease Payments, O&M Reserve, and Central Falls Franchise Fee Requirements. The Settlement will provide the PWSB with a cost of service totaling \$11,870,199. This represents a \$2,732,584 increase in revenues or 30%. The rates calculated in the Settlement shall be effective April 1, 2002. This Settlement also incorporates a "Settlement Agreement and Release" between the PWSB and City of Central of Falls which resolves outstanding issues pending in the Providence Superior Court.
- 2) The restricted accounts shall be funded as follows:
 - The restricted accounts shall be funded on a monthly basis

- The restricted funds shall be kept in an interest-bearing account separate from city funds and general operating funds of the PWSB.
- The PWSB shall report to the Commission and Division every four months on the restricted funds. The reporting will show monthly funding, expenditures and interest accruals for each restricted account. The first report shall be due by August 31, 2002 for the period ending June 30, 2002.
- PWSB is directed to continue to report on the collection of past hydrant fees due from the City of Pawtucket with each reporting on restricted accounts. Per the Settlement Agreement in Dkt. 3164, these funds will continue to accrue to the IFR restricted account. The reporting will show the original balance of \$451,112, the date of all payments made and the balance owing to the Water Board.
- Upon completion of franchise fee payments to the City of Central Falls, any remaining funds from the annual restricted allocation of \$357,371 shall accrue to the IFR account, unless the PWSB requests and this Commission approves some other disposition of these funds.

3) The PWSB shall continue with the following reporting requirements:

- To file semiannual fiscal reports to the Commission and Division. The reports are to be filed by March 31 and September 30.
- To file reports on its capital and IFR programs. These reports will be filed every four months for the periods ending February 28, June 30, and October 31.
- To report on the status of negotiations regarding purchase of the Central Falls water system and related issues.

The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

The Open Meeting adjourned at 10:30 AM.